

**UNITED STATES AIR FORCE  
COURT OF CRIMINAL APPEALS**

<b>UNITED STATES</b>	)	<b>No. ACM S32538 (f rev)</b>
<i>Appellee</i>	)	
	)	
<b>v.</b>	)	
	)	<b>ORDER</b>
<b>Cory RAMIREZ</b>	)	
<b>Airman (E-2)</b>	)	
<b>U.S. Air Force</b>	)	
<i>Appellant</i>	)	<b>Special Panel</b>

On 1 November 2017, the convening authority referred Appellant’s case for trial by special court-martial. Appellant was convicted of offenses committed between July 2017 and September 2017, and sentenced on 22 March 2018. On 24 January 2020, this court set aside the convening authority’s action in the above-referenced case and returned the record of trial to The Judge Advocate General for remand to the convening authority “for new post-trial processing and action.” *United States v. Ramirez*, No. ACM S32538, 2020 CCA LEXIS 20, at \*17–18 (A.F. Ct. Crim. App. 24 Jan. 2020) (unpub. op.).

On 29 April 2020, the record of trial was redocketed with this court. On 23 June 2020, Appellant submitted the case to this court for review with no specific assignment of error.

Upon review, this court noted the record contains what purports to be an undated new action signed by the convening authority. The record also contains a new court-martial order dated 13 April 2020. However, the record returned to the court does not contain a new staff judge advocate recommendation (SJAR), new clemency matters submitted by Appellant, a new addendum to the SJAR, or other matters considered by the convening authority before taking the new action. *See* Rules for Courts-Martial (R.C.M.) 1105, 1106, 1107(b)(3);\* *see also United States v. Mendoza*, 67 M.J. 53, 55 (C.A.A.F. 2008) (“A new, as opposed to a corrected, action requires a new SJAR[ ] under R.C.M. 1106 and the opportunity for the accused to submit additional matters under R.C.M. 1105.”).

On 1 October 2020, this court issued an order to the Government to show good cause as to why this court should not take corrective action. On 13 October

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\* References to the Uniform Code of Military Justice and Rules for Courts-Martial in this order are to the *Manual for Courts-Martial, United States* (2016 ed.).

2020, the Government submitted its response to the show cause order. The Government reported that appellate government counsel had “confirmed that new post-sentencing processing was incomplete,” and it “request[ed] that this Court expeditiously return the case to The Judge Advocate General to ensure compliance with this Court’s previous decretal [paragraph].”

Accordingly, it is by the court on this 16th day of October, 2020,

**ORDERED:**

The action of the convening authority is set aside. The record of trial is returned to The Judge Advocate General for remand to the convening authority for new post-trial processing consistent with this order. Article 66(e), UCMJ, 10 U.S.C. § 866(e). Thereafter, the record of trial will be returned to this court for completion of appellate review under Article 66, UCMJ. On **18 December 2020**, counsel for the Government will inform the court in writing of the status of compliance with this order unless the record of trial has been returned to the court prior to that date.



FOR THE COURT

*Carol K. Joyce*

CAROL K. JOYCE  
Clerk of the Court